



101520863

CJC

Patent

Attorney Docket # 5176-14PRCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

Youe-Kong Shue et al.

Patent No.: 7,507,564

Issued: March 24, 2009

For: Tiacumycin Production

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on

April 21, 2009

(Date of Deposit)

Kent H. Cheng

Name of applicant, assignee or Registered Representative

Kent H. Cheng
Signature

April 21, 2009

Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 37 C.F.R. 1.322**

SIR:

In compliance with the requirements of 37 C.F.R. 1.322, the undersigned hereby respectfully requests that the attached certificate of correction be issued correcting the Letter Patent as follows:

--(60) Related US Application Data

60/399,956 07/29/2002 ABN--

In the Specification

In column 1, line 1, after the title "Tiacumycin Production," please add:

*Certificate
APR 27 2009
of Correction APR 27 2009*

FIELD OF INVENTION

The invention relates generally to fermentation production of antibiotics and to media used in the same.

RELATED APPLICATIONS

Benefit of priority under 35 U.S.C. 119(e) is claimed herein to U.S. Provisional application No. 60/399,956, filed July 29, 2002 and International Application No. PCT/US2003/021977 filed 15 July 2003. The disclosures of the above-reference applications are incorporated by reference in their entirety herein.

The provisional patent application data was omitted by the USPTO from the face and specification of the Letters Patent. Evidence of this omission can be found on the first page of the specification filed January 11, 2005 (WO 2004/014295 A2) and the Filing Receipt, a copy of which is enclosed herewith.

No fee is due in connection herewith. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By Kent H. Cheng
Kent H. Cheng
Reg. No. 33,849
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: April 21, 2009

APR 27 2009

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 7,507,564

DATED : March 24, 2009

INVENTOR(S) : Youe-Kong Shue

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

--(60) Related US Application Data

60/399,956 07/29/2002 ABN--

In the Specification

In column 1, line 1, after the title "Tiacumicin Production," please add:

FIELD OF INVENTION

The invention relates generally to fermentation production of antibiotics and to media used in the same.

RELATED APPLICATIONS

Benefit of priority under 35 U.S.C. 119(e) is claimed herein to U.S. Provisional application No. 60/399,956, filed July 29, 2002 and International Application No. PCT/US2003/021977 filed 15 July 2003. The disclosures of the above-reference applications are incorporated by reference in their entirety herein.

MAILING ADDRESS OF SENDER:

Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue
Suite 1210
New York NY 10176

PATENT NO. 7,507,564

No. of additional copies:

APR 27 2009

(19) World Intellectual Property Organization International Bureau



(43) International Publication Date
19 February 2004 (19.02.2004)

PCT

(10) International Publication Number
WO 2004/014295 A2

(51) International Patent Classification⁷:

A61K

DUFFIELD, Jonathan, James [GB/US]; 3865 Albatross Street, #10, San Diego, CA 92103 (US).

(21) International Application Number:

PCT/US2003/021977

(74) Agent: JURGENSEN, Thomas, E.; Catalyst Law Group, APC, 4330 La Jolla Village Drive, Suite 220, San Diego, CA 92122 (US).

(22) International Filing Date: 15 July 2003 (15.07.2003)

(81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(25) Filing Language:

English

(84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

(26) Publication Language:

English

Published:

— without international search report and to be republished upon receipt of that report

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(30) Priority Data:
60/399,956 29 July 2002 (29.07.2002) US

(71) Applicant (for all designated States except US): **OPTIMER PHARMACEUTICALS, INC.** [US/US]; 10110 Sorrento Valley Road, Suite C, San Diego, CA 92121 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): **SHUE, Youe-Kong** [US/US]; 7869 Via Teca, Carlsbad, CA 92009 (US). **DU, Chi-Jen, Frank** [CN/CN]; No. 131, Sec 2, Minsheng E. Rd, Jungshan Chiu, Taipei 104 (TW). **CHIOU, Ming-His** [CN/CN]; No. 85-4, Jens St., Taoyuan City, Taoyuan 330 (TW). **WU, Mei-Chiao** [CN/CN]; No. 143, 11 Lin Shandung Li, Jungli City, Taoyuan 320 (TW). **CHEN, Yuan-Ting** [CN/CN]; No. 108, Sec. 2 Junghua Rd., Jian Shiang, Hualien 973 (TW). **OKUMU, Franklin, W.** [US/US]; 3097 Palm Street, San Diego, CA 92104 (US).

(54) Title: TIACUMICIN PRODUCTION

(57) Abstract: Methods, processes and materials for the production and recovery of Tiacumicins produced by culturing a microorganism belonging to the species *Dactylosporangium aurantiacum* subspecies *hamdenensis* having the ability to produce and accumulate one or more Tiacumicin in a nutrient medium comprising a carbon source, a nitrogen source, trace elements such as inorganic salts, and an adsorbent, wherein said nitrogen source comprises fish powder, and wherein said Tiacumicin is produced in a yield greater than about 50 mg/L broth.

WO 2004/014295 A2

APR 27 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/520,863	07/13/2005	1651	515	5176-14PUS	2	26	3

CONFIRMATION NO. 4452

27799
COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

FILING RECEIPT



OC000000019953104

Date Mailed: 08/09/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Youe-Kong Shue, Carlsbad, CA;
Chi-Jen Frank Du, Taipei, TAIWAN;
Ming-Hsi Chiou, Taoyuan, TAIWAN;
Mei-Chiao Wu, Taoyuan, TAIWAN;
Yuan-Ting Chen, Hualien, TAIWAN;
Franklin W. Okumu, San Diego, CA;
Jonathan James Duffield, San Diego, CA;

Assignment For Published Patent Application

Optimer Pharmaceuticals, Inc., San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 27799.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/21977 07/15/2003
which claims benefit of 60/399,956 07/29/2002 ABN

Foreign Applications

Projected Publication Date: 11/16/2006

Non-Publication Request: No

Early Publication Request: No

AUG 27 2009
APR 27 2009

POTYNSIUSO1

**** SMALL ENTITY ******Title**

Tiacumycin production

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted.

APP 2 2008

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

APR 27 2009